

GERALD A. EMANUEL (Cal. State Bar No. 061049)
JOEL P. WAELTY (Cal. State Bar No. 226728)
HINKLE, JACHIMOWICZ, POINTER & EMANUEL
2007 West Hedding Street, Suite 100
San Jose, California 95128
Telephone: (408) 246-5500
Facsimile: (408) 246-1051
jemanuel@hinklelaw.com
jwaelt@hinklelaw.com

Attorneys for Plaintiff
THERESA ALLEN

ROBERT P. KRISTOFF (Cal. State Bar No. 090874)
RISHI N. SHARMA (Cal. State Bar No. 239034)
PETER A. COOPER (Cal. State Bar No. 275300)
PAUL HASTINGS LLP
55 Second Street, 24th Floor
San Francisco, California 94105
Telephone: (415) 856-7000
Facsimile: (415) 856-7100
bobkristoff@paulhastings.com
rishisharma@paulhastings.com
petercooper@paulhastings.com

Attorneys for Defendant
TESTAMERICA LABORATORIES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THERESA ALLEN,

Plaintiff,

vs.

TESTAMERICA LABORATORIES,
INC., and DOES 1-50 inclusive,

Defendants.

No. C 12-01448 RS

**JOINT STIPULATION TO AMEND
DISCOVERY DEADLINES;
~~PROPOSED~~ ORDER**

STIPULATION

Plaintiff Theresa Allen and defendant TestAmerica Laboratories, Inc., by and through their representative counsel of record, hereby stipulate as follows:

1. On June 6, 2012, the Court issued the Case Management Scheduling Order (Docket No. 18), which set the following discovery deadlines:

- a. November 30, 2012, for the parties to complete all non-expert discovery;
- b. December 7, 2012, for the parties to complete their expert disclosures; and
- c. December 21, 2012, for the parties to complete all expert discovery.

2. Presently, the parties have several outstanding discovery disputes relating to non-expert discovery that may result in motion practice; in addition, the parties are attempting to schedule several previously noticed depositions of non-expert witnesses.

3. On November 13, 2012, the parties met and conferred regarding the status of the case and agreed to engage in good faith settlement discussions, including through private mediation in early or mid-December, 2012. In order to facilitate these settlement discussions and avoid unnecessary motion practice for the Court and the parties, should the case settle, the parties ask the Court to continue the discovery deadlines as set forth in the June 6, 2012, Case Management Scheduling Order.

4. The parties ask the Court to amend the applicable discovery deadlines as follows:

- a. January 18, 2013, as the new deadline by which the parties must file any motion to resolve outstanding disputes regarding non-expert discovery, and complete any previously noticed non-expert deposition;
- b. January 18, 2013, as the new deadline by which the parties must complete their expert disclosures; and
- c. February 8, 2013, as the new deadline by which the parties must complete all expert discovery.

5. Nothing in this stipulation will affect the February 21, 2013, deadline by which the Court must hear all pretrial motions; the May 2, 2013, deadline by which the parties must file their Joint Pretrial Statement; the May 16, 2013, pretrial conference, or the May 28, 2013, commencement date for trial.

Dated: November 14, 2012

GERALD A. EMANUEL
JOEL P. WAELTY
HINKLE, JACHIMOWICZ, POINTER & EMANUEL

By: /s/ Joel P. Waelty

Joel P. Waelty
Attorneys for Plaintiff
THERESA ALLEN

Dated: November 14, 2012

ROBERT P. KRISTOFF
RISHI N. SHARMA
PETER A. COOPER
PAUL HASTINGS LLP

By: /s/ Rishi N. Sharma

Rishi N. Sharma
Attorneys for Defendant
TESTAMERICA LABORATORIES, INC.

ORDER

On the stipulation of the parties, and good cause appearing therefor,

The Court GRANTS the Joint Stipulation to Amend Discovery Deadlines. The dates set forth in the June 6, 2012, Case Management Scheduling Order (Docket No. 18), are modified as follows:

1. January 18, 2013, is the new deadline by which the parties must file any motion to resolve outstanding disputes regarding non-expert discovery, and complete any previously noticed non-expert deposition;
2. January 18, 2013, is the new deadline by which the parties must complete their expert disclosures; and
3. February 8, 2013, is the new deadline by which the parties must complete all expert discovery.

No other dates set forth in the Case Management Scheduling Order are modified.

IT IS SO ORDERED.

Dated: November 15, 2012



Richard Seeberg
United States District Judge